

Application/Control Number 09/779,288 filed 2/8/01

### REMARKS

5 This amendment is respectfully submitted to place subject Application in condition for allowance. Claims 3 and 23 have been canceled without prejudice. Claims 24, 25 and 27 have been amended to more distinctly claim the subject matter of the invention, and Claims 4, 5 and 11 have been amended to depend from an appropriate claim.

10 Claims 24 to 26, inclusive, have been amended to recite the limitation of now canceled claim 3, that the predominant component is a mixture of organic compounds derived from natural petroleum (i.e. not products of a Fischer-Tropsch synthesis reactor).

Claims 25 and 27 have been amended to include formula as recommended by Primary Examiner Medley.

15 Applicants are pleased to note that Primary Examiner Medley has withdrawn objections to the specification in view of amendments of record.

### Claim Rejections - 35 U.S.C. § 102

20 In the outstanding Office Action, Claims 23, 3 and 5 were rejected under 35 U.S.C. § 102(b), as being clearly anticipated by EP 0 905 217 A in the name of NIPPON OIL CO. LTD. Tokyo JP (EP '217). Applicants respectfully traverse these rejections.

25 Claims 23 and 4 were rejected under 35 U.S.C. § 102(b), as being clearly anticipated by U.S. Patent No. 5,807,413 in the name of Robert Jay Wittenbrink, Richard Frank Bauman, Daniel Francis Ryan, and Paul Joseph Berlowitz (Berlowitz). Applicants respectfully traverse these rejections.

Application/Control Number 09/779,288 filed 2/8/01

Claims 23 and 3 have been canceled, and Claims 4 and 5 have been amended to depend from Claim 24 which is directed to Applicants' novel fuel for use in compression ignition internal combustion engines (Diesel engines).

5 It is the position of Applicants that the EP '217 reference of record is not relevant to instant Claim 5, because EP '217 is directed to unleaded gasoline for gasoline engines.

10 It is the position of Applicants that the Berlowitz reference of record is not relevant to instant Claim 4, because Berlowitz is directed to fuels produced by Fischer-Tropsch synthesis.

15 Primary Examiner Medley is requested to withdraw rejections of instant Claims 4 and 5 under 35 U.S.C. § 102(b), because neither the EP 0 905 217 nor the U.S. Patent No. 5,807,413 (Berlowitz) are relevant to instant claims which are directed to fuel for use in compression ignition internal combustion engines, comprising: as a predominant component organic distillates derived from natural petroleum.

Claim Rejections - 35 U.S.C. § 103(a)

20 In the outstanding Office Action, Claims 24, 7, 8, 26, 27, and 11 to 13 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,807,413 (Berlowitz) as applied to claims 1 and 4 above, and further in view of U.S. Patent No. 4,723,963 in the name of William F. Taylor (Taylor) and U.S. Patent No. 6,010,545 in the name of Brian William Davies, Rinaldo Capotti and Brid Dilworth, all of the UK (Davies et al.). Applicants respectfully traverse these rejections.

Instant Claims 24 and 26 recite that the predominant component is a mixture of organic compounds derived from natural petroleum.

Application/Control Number 09/779,288 filed 2/8/01

It is the position of Applicants that the Berlowitz reference of record is not relevant to instant Claims 24, 7, 8, 26, 27, and 11 to 13, because Berlowitz is directed to fuels produced by Fischer-Tropsch synthesis.

- 5 Primary Examiner Medley is requested to withdraw rejections of instant Claims 24, 7, 8, 26, 27, and 11 to 13 under 35 U.S.C. § 103(a), based upon U.S. Patent No. 5,807,413 (Berlowitz).

- 10 It is the position of Applicants that instant Claims 24, 7, 8, 26, 27, and 11 to 13, directed to their novel compositions for fuel, are not disclosed or suggested by the Taylor reference of record alone or in combination with the Davies et al. reference of record.

- 15 In the outstanding Office Action, Claim 25 was rejected under 35 U.S.C. § 103(a), as being unpatentable over EP 0 905 217 A in the name of NIPPON OIL CO. LTD. as applied to claims 3 and 5 above, and further in view of EP '217. Applicants respectfully traverse these rejections.

- 20 Instant Claim 25 recites Applicants' novel fuel for use in compression ignition internal combustion engines, comprising: as a predominant component organic distillates derived from natural petroleum, and one or more oxygen-containing organic compound selected from the group consisting of aryl oxygenates of type II and type III in amounts such that the oxygen content of the fuel is in a range from about 0.2 percent to about 10 percent oxygen, and wherein the fuel exhibits a suitable Reid vapor pressure of at least 25 6 psi and contains less than 15 ppm sulfur.

It is the position of Applicants that the EP '217 reference of record is not relevant to instant Claim 25, because EP '217 is directed to unleaded gasoline for gasoline engines.

- 30 Base on the amendments submitted herein, and previously, Applicants urge that Claims 4, 5, 7, 8, 11 to 13 and 23 to 27

Application/Control Number 09/779,288 filed 2/8/01

inclusive, all claims now presented, are in condition for allowance. Applicants respectfully request Primary Examiner Medley to pass subject application for allowance.

5 Do not hesitate to contact Frederick S. Jerome whose telephone number is (630) 832-7974 (FAX (630) 832-7976) if additional assistance is needed regarding this paper or earlier papers for Applicants.

Applicants and their undersigned Attorney appreciate Examiner's attention and further consideration of this matter.

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Respectfully submitted,



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